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21 *Attorneys for SEIU Local 5*

22 [Additional Attorneys for Proposed Intervenors Listed Below]

23  
24 **IN THE UNITED STATES DISTRICT COURT**  
25 **FOR THE DISTRICT OF ARIZONA**

26 United Food & Commercial Workers Local  
27 99; Local Union No. 469 of the United  
28 Association of Journeymen & Apprentices  
of the Plumbing & Pipefitting Industry of  
the United States & Canada; James  
McLaughlin; Phillip A. McNally, Jr.;  
Roberta Colbath; and David J. Rothans,

Plaintiffs,

and

Arizona Education Association; American  
Federation of State, County and Municipal  
Employees Local 449; American Federation  
of State, County and Municipal Employees  
Local 2384; American Federation of State,  
County and Municipal Employees Local  
2960; American Federation of State, County  
and Municipal Employees Local 3111;

No. 2:11-cv-00921-SRB

**NOTICE OF CLAIM OF  
UNCONSTITUTIONALITY  
PURSUANT TO L.R.CIV. 24.1**

American Federation of State, County and  
Municipal Employees Local 3282; Arizona  
Federation of Teachers Union; Service  
Employees International Union, Local 5;  
Melissa England; Kerry-Lynn Scheffler; and  
Danielle Nowak,

Plaintiff-Intervenors,

vs.

Janice Brewer, in her capacity as Governor  
of the State of Arizona; Thomas Horne, in  
his capacity as Attorney General of the State  
of Arizona; Ken Bennett, in his capacity as  
Secretary of State of the State of Arizona;  
Randall Maruca, in his capacity as Director  
of the Department of Labor of the Industrial  
Commission of Arizona; and Joe Arpaio, in  
his capacity as Sheriff of the County of  
Maricopa,

Defendants.

Plaintiff-Intervenors Arizona Education Association, American Federation of  
State, County and Municipal Employees, Locals 449, 2384, 2960, 3111, and 3284,  
Arizona Federation of Teachers Union, Service Employees International Union Local 5,  
Melissa England, Kerry-Lynn Scheffler, and Danielle Nowak hereby submit this Notice  
of Claim of Unconstitutionality to Judge Susan R. Bolton pursuant to L.R.Civ. 24.1. As  
required by L.R.Civ. 24.1, Plaintiff-Intervenors provide the following information:

1. Plaintiff-Intervenors are filing a Motion to Intervene as Plaintiffs and a  
Proposed Complaint in Intervention for Injunctive and Declaratory Relief concurrently  
with this notice.

2. Plaintiff-Intervenors question the constitutionality of Arizona Senate Bill  
1363, S.B. 1363, 50th leg., 1st Reg. Sess. (Ariz. 2011), and Arizona Senate Bill 1365,  
S.B. 1365, 50th leg., 1st Reg. Sess. (Ariz. 2011).

3. Plaintiff-Intervenors assert that Arizona Senate Bill 1363 violates the  
United States Constitution and is invalid for the following reasons: (1) it constitutes

1 content and viewpoint discrimination in violation of the First Amendment; (2) it is overly  
2 broad in violation of the First Amendment; (3) it constitutes a prior restraint in violation  
3 of the First Amendment; (4) it is a restriction on speech in a public forum in violation of  
4 the First Amendment; (5) it violates the Equal Protection Clause of the Fourteenth  
5 Amendment; (6) it is excessively vague in violation of the Due Process Clause of the  
6 Fourteenth Amendment; and (7) it is preempted by Federal labor law and violates Article  
7 VI of the United States Constitution.

8 4. Plaintiff-Intervenors assert that Arizona Senate Bill 1365 violates the  
9 United States Constitution and is invalid for the following reasons: (1) it constitutes  
10 discrimination in violation of the First Amendment; (2) it violates the Equal Protection  
11 Clause of the Fourteenth Amendment; (3) it is excessively vague in violation of the Due  
12 Process Clause of the Fourteenth Amendment; (4) it is overly broad in violation of the  
13 First Amendment; (5) it imposes unconstitutional conditions in violation of the First  
14 Amendment; (6) it impairs contracts in violation of Article of the United States  
15 Constitution; (7) it is preempted by the Federal Election Campaign Act and violates  
16 Article VI of the United States Constitution.

17 Respectfully submitted this 23rd day of May, 2011.

18 Coppersmith Schermer & Brockelman PLC

19  
20 By s/ Roopali H. Desai  
Roopali H. Desai

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- and -

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2011, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants:

s/ Sheri McAlister